

**2005 DRAFTING REQUEST**

**Bill**

Received: **05/18/2005**

Received By: **pkahler**

Wanted: **As time permits**

Identical to LRB:

For: **Sheila Harsdorf (608) 266-7745**

By/Representing: **Christian Schneider**

This file may be shown to any legislator: **NO**

Drafter: **pkahler**

May Contact:

Addl. Drafters:

Subject: **Dom. Rel. - cust./plac./vis.**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Harsdorf@legis.state.wi.us**

Carbon copy (CC:) to:

---

**Pre Topic:**

No specific pre topic given

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**Topic:**

Requiring a court to consider abuse by a stepparent when modifying custody or physical placement

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**Instructions:**

See Attached

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	pkahler 05/18/2005	kfollett 05/18/2005		_____			
/1			jfrantze 05/18/2005	_____	lemery 05/18/2005	sbasford 05/19/2005	

FE Sent For:

<END>

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/?	pkahler	11/15/05 5/18	7/5	Self 5/18			

FE Sent For:

<END>

**Kahler, Pam**

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**From:** Schneider, Christian  
**Sent:** Wednesday, May 18, 2005 8:31 AM  
**To:** Kahler, Pam  
**Subject:** FW: Reps. Wood & Lamb/Cosponsor LRB 1974/1/Stephen Hubbard Bill/Deadline 5-26-05

Pam,

Can Senator Harsdorf get a Senate draft of this bill?

Thanks,

Chris Schneider  
Senator Harsdorf's Office

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**From:** Rep.WoodJ  
**Sent:** Thursday, May 12, 2005 10:31 AM  
**To:** \*Legislative Assembly Democrats; \*Legislative Assembly Republicans; \*Legislative Senate Democrats; \*Legislative Senate Republicans  
**Subject:** Reps. Wood & Lamb/Cosponsor LRB 1974/1/Stephen Hubbard Bill/Deadline 5-26-05

## CO-SPONSORSHIP MEMO

TO: All Legislators

FROM: Representative Jeff Wood  
Representative Andy Lamb

DATE: May 12, 2005

RE: Co-sponsorship of **LRB 1974/1, "Stephen Hubbard Bill"**

**DEADLINE: Thursday, May 26, 2005**

On December 20, 2004, 8 year old Stephen Hubbard of Hammond, Wisconsin was beaten to death by Kevin Rood. Rood, who outweighed Stephen by 215 pounds, smashed the little boy into a wall until he died from head injuries.

The murderer was the live-in boyfriend of Stephen's mother and had abused the boy to such an extent in the past that an autopsy revealed old skull and spinal fractures. The ongoing abuse of Stephen by his mother's boyfriend did not go unreported, but unfortunately they were all but ignored.

The system let Stephen down, and he is not alone. There are other children in Stephen's situation, and tragically other children have met the same fate as Stephen. **LRB 1974, or "The Stephen Hubbard Bill"**, aims to fix the system that has failed these children by preventing the living situation Stephen endured from the start.

Under current law, when a court determines physical placement or modifies custody of a child following such actions as a divorce, many factors are considered. These factors include evidence of abuse by either parent, but not by a stepparent or significant other of either parent who regularly has contact with the child.

This bill would require courts to also consider whether a stepparent or significant other of a child's parent who has direct contact with the child has engaged in abuse or neglect of the child, along with that individual's criminal record, when determining custody or physical placement of the child.

If you would like to sign on to The Stephen Hubbard Bill please reply to this email or call 266-1194 by **Thursday, May 26, 2005**. Below is the LRB analysis and attached are a draft of the bill and an article briefly describing Stephen's tragic situation.

***Analysis by the Legislative Reference Bureau***

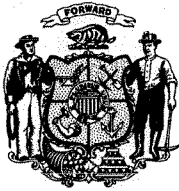
Under current law, when a court decides whether to modify custody or physical placement of a child after an initial determination in an action affecting the family, such as a divorce, the court must consider a number of factors, including the factors that the court must consider when making the initial determination as to custody and physical placement. Those factors include, among other things, whether there is evidence that either party has engaged in abuse of the child or each other. This bill provides that when a court determines whether it is in a child's best interest to modify custody or physical placement after an initial determination has been made, in addition to the factors under current law, the court must consider whether a stepparent, person with whom a parent of the child has a dating relationship, or person who resides or has resided regularly or intermittently in the child's home has a criminal record or has abused or neglected the child.



05-19741.pdf



ECLT 122904.pdf



State of Wisconsin  
2005 - 2006 LEGISLATURE

3065/1  
LRB-1974/1  
PJK:kjf:pg  
1gf

2005 BILL

Regen

- 1 AN ACT *to renumber and amend* 767.325 (5m); and *to create* 767.325 (5m) (b)  
2 of the statutes; **relating to:** considering a person's criminal record and  
3 evidence of abuse or neglect of a child when modifying custody or physical  
4 placement of a child.

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***Analysis by the Legislative Reference Bureau***

Under current law, when a court decides whether to modify custody or physical placement of a child after an initial determination in an action affecting the family, such as a divorce, the court must consider a number of factors, including the factors that the court must consider when making the initial determination as to custody and physical placement. Those factors include, among other things, whether there is evidence that either party has engaged in abuse of the child or each other. This bill provides that when a court determines whether it is in a child's best interest to modify custody or physical placement after an initial determination has been made, in addition to the factors under current law, the court must consider whether a stepparent, person with whom a parent of the child has a dating relationship, or person who resides or has resided regularly or intermittently in the child's home has a criminal record or has abused or neglected the child.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

# BILL

**SECTION 1.** 767.325 (5m) of the statutes is renumbered 767.325 (5m) (a) and amended to read:

767.325 (5m) (a) In all actions to modify legal custody or physical placement orders, the court shall consider the factors under s. 767.24 (5) (am), subject to s. 767.24 (5) (bm), and. Subject to par. (b), the court shall make its determination in a manner consistent with s. 767.24.

**SECTION 2.** 767.325 (5m) (b) of the statutes is created to read:

767.325 (5m) (b) In determining the best interest of the child under this section, in addition to the factors under s. 767.24 (5) (am), the court shall consider whether any of the following has a criminal record and whether there is evidence that any of the following has engaged in abuse, as defined in s. 813.122 (1) (a), of the child or neglected the child:

1. A stepparent of the child.

2. A person with whom a parent of the child has a dating relationship, as defined in s. 813.12 (1) (ag).

3. A person who resides or has resided regularly or intermittently in the same dwelling as the child.

### SECTION 3. Initial applicability.

(1) This act first applies to an action to modify an order of legal custody or physical placement that is commenced on the effective date of this subsection.

**(END)**

**Barman, Mike**

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**From:** Schneider, Christian  
**Sent:** Wednesday, May 18, 2005 3:27 PM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB 05-3065/1 Topic: Requiring a court to consider abuse by a stepparent when modifying custody or physical placement

It has been requested by <Schneider, Christian> that the following draft be jacketed for the SENATE:

Draft review: LRB 05-3065/1 Topic: Requiring a court to consider abuse by a stepparent when modifying custody or physical placement